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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER	
HO, THOMAS M	

ART UNIT	PAPER NUMBER
2134	

DATE MAILED: 11/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/893,177	RIPLEY ET AL.	
	Examiner	Art Unit	
	Thomas M Ho	2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on *27 June 2001*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-30* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-30* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-30 are pending

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 3-9, 11-14, 16, 17, 19, 20, 22-30 are rejected under 35 U.S.C. 102(b) as being anticipated by Saito, US patent 6,002,772.

In reference to claim 1:

Saito discloses a method comprising:

- Receiving a request to transfer content to a customer, where the request to transfer content to a customer comes from the customer requesting content. (Column 6, lines 38-42)
- Obtaining a customer identifier (I.D.) associated with the customer, where among the user data the user will enter is a user ID and other identification information. (Column 6, lines 43-52)
- Binding the requested content to the customer ID, where the customer ID and other user information will be bound to the content in the form of a digital watermark. (Column 7, lines 55-65)

In reference to claim 3:

Saito (Column 6, lines 53-67) & (Column 7, line 65 – Column 8, line 5) discloses the method of claim 1, wherein said binding the requested content to the customer I.D. comprises encrypting the content using the customer ID, where the customer ID is used to encrypt the content by first encrypting a title key, which is then used to encrypt the content.

In reference to claim 4:

Saito (Column 6, lines 53-67) & (Column 7, line 65 – Column 8, line 5) discloses the method of claim 3, wherein encrypting the content using the customer ID comprises encrypting the content using a combination of the customer ID and a media key, where the content is encrypted using both a media key, KS1, and the customer ID combined into the content in the form of a digital watermark.

In reference to claim 5:

Saito (Column 6, lines 53-67) & (Column 7, line 65 – Column 8, line 5) discloses the method of claim 1, additionally comprising retrieving encrypting content corresponding to the content in response to receiving the request to transfer the content to a customer, wherein the encrypted content is encrypting using a title key, and wherein said binding the requested content to the customer ID comprises using the customer ID to encrypt the title key, where the customer ID and other user information is used to encrypt the title

key, KS1 from the combination of the ID with the public key, KB1. The final result of the content request is the transfer of the content to the customer.

In reference to claim 6:

Saito discloses a method comprising:

- Receiving a request to transfer content to a customer (Column 6, lines 38-42)
- Retrieving encrypted content corresponding to the requested content, the encrypted content being encrypted by a title key, where the title key is KS1 (Column 7, line 65- Column 8, line 5)
- Obtaining a customer identifier ID associated with the customer, where the identifier is obtained with the other user information. (Column 6, lines 43-52)
- Binding the requested content to the customer ID by using the customer ID to encrypt the title key, where the requested content is bound to the ID by first using the ID to encrypt the title key, KS1. (Column 7, line 65- Column 8, line 5)

In reference to claim 7:

Saito (Column 6, lines 53-67) discloses the method of claim 6, wherein said binding the requested content to the customer ID by using the customer ID to encrypt the title key comprises combining the customer ID with a media key provided by the service, where the user ID is bound to a media key, KB1 which is then used to encrypt the title key, KS1, which is then used to encrypt the title key.

In reference to claim 8:

Saito (Column 6, lines 52-60) discloses the method of claim 7, wherein said combining the customer ID with a media key comprises using a cryptographic one-way function, where the customer ID is combined with the media key using the one way hash function, MD5.

In reference to claim 9:

Saito discloses a method comprising accessing content encrypted with a title key, where the encrypted document is stored on a storage medium additionally having a Media Key Block(MKB), and the title key that is encrypted (encrypted title key) using a customer ID, said accessing comprising decrypting the encrypted content by:

- Obtaining the customer ID associated with a customer requesting the content, where the customer ID is obtained with the rest of the user information at the time the user makes a content request. (Column 6, lines 43-52)
- Using the customer ID to generate the title key, where the customer ID is used to generate KS1, the title key used to encrypt. (Column 6, lines 53-67) & (Column 7, lines 20-25)
- Using the title key to decrypt the encrypted content, where the title key KS1 is eventually used to decrypt the content. (Column 8, lines 13-17)

In reference to claim 11:

Saito (Column 6, lines 43-52) discloses the method of claim 9, wherein the customer ID is provided by a user requesting the content.

In reference to claim 12:

Saito (Figure 4a, Items 3,4) discloses the method of claim 9, wherein the customer ID is retrieved from the storage medium, where the customer ID is the user ID and other user information, where the user data is stored in an object and retrieved in order to be used for the digital watermark.

In reference to claim 13:

Saito discloses a method comprising accessing content encrypted with a title key, where the encrypted content is stored on a storage medium additionally having a customer ID associated with a customer requesting the content, a Media Key block (MKB), and the title key that is encrypted (encrypted title key) with a customer ID said accessing comprising:

- Processing the MKB to generate a Media key by using Device Keys associated with a device for using the content, where the MKB is the set of information used to create the Media key, KB1, and where the device keys, KS1 and KS2 associated with the device are also used for using the content. (Column 6, lines 53-67)
- Decrypting the encrypted title key to form the title key by reading a customer ID and combining the customer ID and the Media Key, where the title key, KS1 is decrypted to form the title key, encrypted using the original combined key KB1. (Column 7, lines 4-11)
- Using the title key to decrypt the encrypted content, where the title key KS1 is used to decrypt the content. (Column 8, lines 13-17)

In reference to claim 25:

Saito discloses an apparatus comprising:

- A processor to obtain a customer identifier (ID), the customer ID corresponding to a customer requesting content from a service, where the customer ID is the user ID obtained when a content request by the user is made. (Column 6, lines 43-52)
- An encoder to bind the requested content to the customer ID, where the content is bound to the user ID and other user information in the form of a digital watermark. (Column 7, lines 55-65)

In reference to claim 26:

Saito (Column 7, line 65 – Column 8, line 5) discloses the apparatus of claim 25 wherein the content is encrypted using a title key, where the title key is KS1.

In reference to claim 27:

Saito (Column 6, lines 53-67) discloses the apparatus of claim 25, wherein said encoder binds the content to the customer ID by encrypting the title key using the customer ID, where the customer ID or user ID is used by combining with public key KB1, used to encrypt the customer title key, KS1.

Claims 14, 24 are rejected for the same reasons as claim 8.

Claim 16 is rejected for the same reasons as claim 13.

Claim 17 is rejected for the same reasons as claim 14.

Claims 19, 22 are rejected for the same reasons as claim 6.

Claims 20, 23 are rejected for the same reasons as claim 7.

Claim 28 is rejected for the same reasons as claim 25.

Claim 29 is rejected for the same reasons as claim 26.

Claim 30 is rejected for the same reasons as claim 27.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2, 10, 15, 18, 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito.

In reference to claim 2:

Saito discloses fails to explicitly disclose the method of claim 1, wherein the content comprises a music title.

Saito however does disclose that audio data content used at the content to be distributed was well known in the art. (Column 1, lines 40-46)

It would have been obvious to one of ordinary skill in the art at the time of invention to include the title with the audio data in order to support content distribution for songs and mp3s.

Claims 15, 18, 21 are rejected for the same reasons as claim 2.

In reference to claim 10:

Saito discloses the method of claim 9, wherein said using the customer ID to generate the title key comprises:

- Generating a Media Key from Device Keys associated with a device to use the content and from a Media Key Block (MKB) associated with a service providing the content, where the MKB is the set of information used to create the Media key, KB1, and where the device keys, KS1 and KS2 associated with the device are also used for using the content. (Column 6, lines 53-67)

Saito fails to explicitly disclose

- Combining the Media Key and the customer ID to decrypt the encrypted title key,

Rather Saito instead decrypts the encrypted title key using the private key pair, KV1. (Column 7, lines 4-10)

The Examiner takes official notice however that symmetric key cryptography was well known in the art at the time of invention. The mechanism used by Saito is known as public private key cryptography and is actually more complex in nature the symmetric key cryptography where a single key is used for both encryption and decryption. A well known algorithm for symmetric key cryptography is DES. A major advantage of symmetric key cryptography is that it is generally faster than its public key cryptography.

It would have been obvious to one of ordinary skill in the art at the time of invention to use symmetric key cryptography and use KB1 to decrypt the title key, KS1, in order to provide for a faster encryption decryption mechanism for the encrypted title key.

Conclusion

6. The following art not relied upon is made of record.

- Stefik, US patent 5,629,980 discloses a content distribution system where the user information and keys is entered in the form a digital certificate saved along with the work hence becoming part of the work itself.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas M Ho whose telephone number is (703)305-8029. The examiner can normally be reached on M-F from 8:30am – 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory A. Morse can be reached at (703)308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are (703)746-7239 for regular communications and (703)746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-5484.

October 18th, 2004

TMH

GREGORY MORSE
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